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By

DEANNA L. MILLER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: **Aubrecht, et al.**

SERIAL NO.: **10/029,741**EXAMINER: **To be assigned**FILED: **12/21/2001**ART UNIT: **To be assigned**

FOR: **Novel Bioluminescent Assays and Bacterial
Strains Useful Therein**

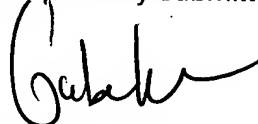
Attention: Licensing and Review
Commissioner for Patents and Trademarks
U.S. Patent and Trademark Office
Washington, D.C. 20231

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LICENSING & REVIEW

Statement Provided in Response to Notice under 42 U.S.C. §2182

In response to the Notice under 42 U.S.C. §2182, Applicants submit herewith their declaration entitled Property Rights Statement. A copy of the Notice is also submitted herewith.

Respectfully submitted,



Gabriel L. Kleiman
Attorney for the Applicants
Reg. No. 40,681

DATE: June 5, 2002

Pfizer Inc.
Patent Dept.
MS 4159
Eastern Point Road
Groton, CT. 06340
(860)715-0041

Attention: Licensing and Review
Commissioner of Patents and Trademarks
Washington, D.C. 20231

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Property Rights Statement

We, Jiri Aubrecht, a citizen of Czech Republic, and Warren W. Ku, and Jeffery J. Osowski, citizens of the United States, residing at 10 Mystic Hill, Mystic, Connecticut 06355, 7 Sunset Drive, West Kingston, Rhode Island, and 7 Noble Hill Road, Bozrah, Connecticut 06334 respectively, declare:

That we made and conceived the invention described and claimed in patent application Serial Number 10/029,741, filed in the United States of America on December 21, 2001, and titled "NOVEL BIOLUMINESCENT ASSAYS AND BACTERIAL STRAINS USEFUL THEREIN".

That we made and conceived this invention while employed by Pfizer Inc.;

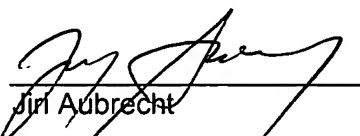
That the invention is related to the work we are employed to perform and was made within the scope of our employment duties;

That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of Pfizer Inc.

That to the best of our knowledge and belief the invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the department of Energy.

The undersigned inventors declare further that all statements made herein of their own knowledge is true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: 
Jiri Aubrecht

Post Office Address: 10 Mystic Hill, Mystic, Connecticut 06355

Date: 06/05/2002

Inventor's Signature: 
Warren W. Ku

Post Office Address: 7 Sunset Drive, West Kingston, Rhode Island 02892

Date: 06-05-2002

Inventor's Signature: 
Jeffery J. Osowski

Post Office Address: 7 Noble Hill Road, Bozrah, Connecticut 06334

Date: 06/05/2002

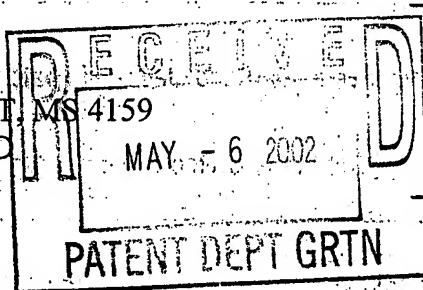


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/029,741	12/21/01	AUBRECHT, ET AL.	PC11099AJAK

GREGG C. BENSON
PFIZER INC.
PATENT DEPARTMENT, MS 4159
EASTERN POINT ROAD
GROTON, CT 06340



EXAMINER	
ART UNIT	PAPER NUMBER
	3

DATE MAILED: **MAILED**

APR 29 2002

LICENSING & REVIEW

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**